IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2764 OF 2004
IN
FIRST APPEAL NO.277 OF 2001

Shivaji Shankar Gavde ...Applicant

Versus

Sau Nirmala Bhaskarrao Mhatre & Ors. ...Respondents

Shri Amol P. Mhatre i/by Shri P.K.Dhakephalkar for the Applicant.

Shri S.M.Kamble for the Respondents.

CORAM : A. S. OKA, J.

DATE : JANUARY 12, 2007.

P.C.:

1. Heard the Advocate for the Applicant and Advocate for the Respondents. The Application is taken out by the Respondent in the Appeal who is the successful Plaintiff. A decree for specific performance of sale of immovable property has been passed in favour of the Plaintiff. A prayer in this Application is for appointment of court receiver.

2. The decree for specific performance has been stayed by this court. Considering this fact and considering the facts and circumstances of the case, the Applicant is not entitled to relief of appointment

of court receiver. However, the Respondents herein (Appellants) will have to be restrained from creating any third party interest in respect of the suit property.

3. Hence, Application is disposed of by passing following order:

(i) Prayer for appointment of court receiver is rejected. However, the Respondents are hereby restrained from creating any third party interests in respect of the suit property.

JUDGE